

FILED

NF

MAR 18 2008

NR

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA)

No. 07 CR 851

v.)

FRANCISCO MENDEZ-NUNEZ,
a/k/a "Pancholine,"
a/k/a "Pancho,"

Violations: Title 21, United
States Code, Sections
841(a)(1), 843(b), 846, and
Title 18, United States Code,
Section 2.

SALVADOR GARCIA,
a/k/a "Chava,"
FRANCISCO MENDEZ JR.,
a/k/a "Paco,"

JAVIER GARCIA,
a/k/a "Javi,"

INDICTMENT

FRANCISCO SOTO,
JUAN DURAN,
a/k/a "Juanillo,"

JUDGE GETTLEMAN

OSCAR ANDRADE,
VICTOR VELAZQUEZ, and
DON MCNISH

MAGISTRATE JUDGE SCHENKIER**COUNT ONE**

The SPECIAL FEBRUARY 2008-1 GRAND JURY charges:

1. Beginning not later than in or about 2005, and continuing to on or about December 20, 2007, in Cook County, in the Northern District of Illinois, Eastern Division, and elsewhere,

FRANCISCO MENDEZ-NUNEZ, a/k/a "Pancholine," a/k/a "Pancho,"
SALVADOR GARCIA, a/k/a "Chava,"
FRANCISCO MENDEZ JR., a/k/a "Paco,"
JAVIER GARCIA, a/k/a "Javi,"
FRANCISCO SOTO,
JUAN DURAN, a/k/a "Juanillo,"
OSCAR ANDRADE,
VICTOR VELAZQUEZ, and
DON MCNISH

defendants herein, conspired with each other, and with others known and unknown to the Grand Jury, to knowingly and intentionally possess with intent to distribute and to distribute a controlled substance, namely, five kilograms or more of mixtures and

substances containing a detectable amount of cocaine, a Schedule II Narcotic Drug Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1);

All in violation of Title 21, United States Code, Section 846 and Title 18, United States Code, Section 2.

COUNT TWO

The SPECIAL FEBRUARY 2008-1 GRAND JURY further charges:

On or about June 27, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

SALVADOR GARCIA, a/k/a "Chava,"

defendant herein, knowingly and intentionally distributed a controlled substance, namely, mixtures and substances containing a detectable amount of cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT THREE

The SPECIAL FEBRUARY 2008-1 GRAND JURY further charges:

On or about July 11, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

SALVADOR GARCIA, a/k/a "Chava,"

defendant herein, knowingly and intentionally distributed a controlled substance, namely, mixtures and substances containing a detectable amount of cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOUR

The SPECIAL FEBRUARY 2008-1 GRAND JURY further charges:

On or about December 20, 2007, at Chicago, in the Northern District of Illinois, Eastern Division,

FRANCISCO MENDEZ-NUNEZ
a/k/a "Pancholine," a/k/a "Pancho,"

defendant herein, knowingly and intentionally possessed with intent to distribute a controlled substance, namely, 500 grams or more of mixtures and substances containing a detectable amount of cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT FIVE

The SPECIAL FEBRUARY 2008-1 GRAND JURY further charges:

On or about December 20, 2007, at Chicago, in the Northern
District of Illinois, Eastern Division,

FRANCISCO SOTO,

defendant herein, knowingly and intentionally possessed with intent
to distribute a controlled substance, namely, mixtures and
substances containing a detectable amount of cocaine, a Schedule II
Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section
841(a)(1).

COUNT SIX

The SPECIAL FEBRUARY 2008-1 GRAND JURY further charges:

On or about December 20, 2007, at Chicago, in the Northern District of Illinois, Eastern Division,

SALVADOR GARCIA,

defendant herein, knowingly and intentionally possessed with intent to distribute a controlled substance, namely, mixtures and substances containing a detectable amount of cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT SEVEN

The SPECIAL FEBRUARY 2008-1 GRAND JURY further charges:

On or about December 20, 2007, at Dolton, in the Northern District of Illinois, Eastern Division,

DON MCNISH,

defendant herein, knowingly and intentionally possessed with intent to distribute a controlled substance, namely, mixtures and substances containing a detectable amount of cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT EIGHT

The SPECIAL FEBRUARY 2008-1 GRAND JURY further charges:

On or about October 30 and 31, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

FRANCISCO MENDEZ-NUNEZ, a/k/a "Pancholine," a/k/a "Pancho," and OSCAR ANDRADE,

defendants herein, and others, knowingly and intentionally possessed with intent to distribute a controlled substance, namely, 500 grams or more of mixtures and substances containing a detectable amount of cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT NINE

The SPECIAL FEBRUARY 2008-1 GRAND JURY further charges:

On or about November 19, 2007, at approximately 12:19 p.m., in the Northern District of Illinois,

FRANCISCO MENDEZ-NUNEZ, a/k/a "Pancholine," a/k/a "Pancho," and
JUAN DURAN, a/k/a "Juanillo,"

defendants herein, knowingly and intentionally used a communication facility, namely a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiracy to distribute and possess with intent to distribute cocaine, as charged in Count One of this indictment;

In violation of Title 21, United States Code, Section 843(b).

FORFEITURE ALLEGATION

The SPECIAL FEBRUARY 2008-1 GRAND JURY further charges that:

1. The allegations of Counts One through Nine are realleged and fully incorporated herein for the purpose of alleging forfeiture to the United States pursuant to Title 21, United States Code, Section 853.

2. As a result of the violations alleged in Counts One through Nine of the foregoing Indictment,

FRANCISCO MENDEZ-NUNEZ, a/k/a "Pancholine," a/k/a "Pancho,"
SALVADOR GARCIA, a/k/a "Chava,"
FRANCISCO MENDEZ JR., a/k/a "Paco,"
JAVIER GARCIA, a/k/a "Javi,"
FRANCISCO SOTO,
JUAN DURAN, a/k/a "Juanillo,"
OSCAR ANDRADE,
VICTOR VELAZQUEZ, and
DON MCNISH

defendants herein, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853(a): (1) any and all right, title, and interest they may have in any property, real and personal, which constitutes and is derived from proceeds traceable to the offenses as charged in this indictment; and (2) any and all right, title, and interest they may have in any property, real and personal, which was used, and intended to be used, in any manner or part, to commit, and to facilitate the commission of the offenses charged in the indictment.

3. The interests of the defendants, jointly and severally, subject to forfeiture to the United States pursuant to Title 21, United States Code, Section 853, include but are not limited to a

Taurus Model PT908 handgun bearing serial number TMC01848D, a Smith and Weston Model 910 handgun bearing serial number VLN1011, proceeds in the amount of \$1,000,000 (including approximately \$172,000 seized on or about December 20, 2007, at or around the premises known as 10424 S. Avenue L, Chicago, Illinois), and certain interests in:

- (a) the real property commonly known as 2846 W. 39th Place, Chicago, Illinois, and legally described as:

LOT 18 IN PARKER AND OTHERS' SUBDIVISION OF BLOCK 1 (EXCEPT THE EAST 1 ACRE, OF THE NORTH 2 ACRES AND THE NORTH 33 FEET OF BLOCK 4) IN LURTON'S SUBDIVISION OF THAT PART OF THE EAST ½ OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN LYING NORTH OF ARCHER ROAD, IN COOK COUNTY, ILLINOIS

Permanent Real Estate Index No. 19-01-103-027-0000.

- (b) the real property common known as 10424 South Avenue L, Chicago, Illinois, and legally described as:

THE SOUTH 16 FEET OF LOT 10 AND THE NORTH 17 FEET OF LOT 11 IN BLOCK 29 IN IRONWORKER'S ADDITION TO SOUTH CHICAGO IN SECTION 8, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

Permanent Real Estate Index No. 19-01-103-027-0000.

4. If any of the property described above as being subject to forfeiture pursuant to Title 21, United States Code, Section 853(a), as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;

- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p).

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY